

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEPHEN MIDDLEBROOKS,

Plaintiff,

v.

TEVA PHARMACEUTICALS USA, INC.
and TEVA PHARMACEUTICAL
INDUSTRIES, LTD.,

Defendants.

Case No.: 2:17-cv-00412-LS

**DEFENDANT TEVA
PHARMACEUTICAL INDUSTRIES,
LTD.'S MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED
COMPLAINT AGAINST TEVA
PHARMACEUTICAL INDUSTRIES,
LTD.**

WHEREFORE, Defendant Teva Pharmaceutical Industries, Ltd. ("Teva Israel") requests that the Court dismiss Teva Israel from this action pursuant to Fed. R. Civ. P. 12(b)(6) for failure to exhaust administrative remedies and pursuant to Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction. In support of this Motion, Teva Israel submits the accompanying Brief, along with the affidavits of Doron Herman and Christopher Swartz. A Proposed Order is filed herewith.

Date: May 9, 2017

Respectfully submitted,

/s/ Larry J. Rappoport

Larry J. Rappoport, Esquire
STEVENS & LEE, P.C.

Attorney ID No. 26922

1818 Market Street

29th Floor

Philadelphia, PA 19103

Phone: (215) 496-3839

Email: ljr@stevenslee.com

Jennifer A. Ermilio, Esquire

Attorney ID No. 82062

620 Freedom Business Center, Suite 200

King of Prussia, PA 19406

Phone: (610) 205-6044

Email: jae@stevenslee.com